GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA

UNSTARRED QUESTION NO:264
ANSWERED ON:19.07.2016
Violation of Quality Standards
Misra Shri Ajay (Teni)

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

(a) whether provisions have been made for penal action and imposition of fines against the manufacturers of the consumer items if the same is found to be below the standards set by the Bureau of Indian Standards (BIS);

(b) if so, the details thereof;

(c) whether there are provisions to cancel the licences and seize the goods of manufacturing companies if they do not manufacture goods conforming to the BIS standards; and

(d) if so, the details thereof indicating the number of raids and seizures conducted and action taken against errant companies during the last three years and the current year?

Answer

THE MINISTER OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI RAM VILAS PASWAN)

(a) & (b) : Yes Madam, provision for imposition of penalty for improper use of Standard Mark etc is laid down in the BIS Act, 1986. As per Section 33 of said Act, any person who contravenes the provisions of Section 11 or Section 12 or Section 14 or Section 15 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees, or with both. Section 11 prohibits use of Standard Mark or any colourable imitation except under a licence, and also prohibits use of Standard Mark by licensee in relation to any article or process unless such article or process conforms to the Indian Standard.

The recently legislated BIS Act, 2016, prescribes more stringent penalties for contravention. As per this Act, certain contraventions shall be punishable with imprisonment for a term which may extend upto two years or with fine which may extend upto ten times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark, including Hallmark.

(c) & (d) : As per provisions under regulation 5 of BIS (Certification) Regulations, 1988, any licence granted by BIS may be cancelled by it, if it is satisfied that the articles marked with the Standard Mark under a licence do not comply with the related Indian Standard or Standards.

There are provisions in the BIS Act, 1986, for conducting search and seizure in respect of any article or process in relation to which contravention of Section 11 or 12 has taken place. Any Court trying such contraventions may direct that any property in respect of which the contravention has taken place shall be forfeited to the Bureau.

When information regarding use of ISI mark without valid Licence from BIS or the usage of colourable imitation thereof by a manufacturer amounting to violation of provisions of Section 11 of the BIS Act, 1986 is received, BIS carries out search and seizure under Sections 26 of the BIS Act. On completion of a successful raid, legal cases are launched in the court of law under The BIS Act, 1986.

The number of search and seizure (raids) carried out in the last three years and the current year is given below:

YEAR No. of Search & Seizure (Raids) conducted

2013-14 97
2014-15 70
2015-16 128
2016-17 (till 12 July 2016) 21

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